

Notice of Allowability

Application No.

10/069,630

Examiner

Gregory R. Del Cotto

Applicant(s)

DYKSTRA, ROBERT RICHARD

Art Unit

1751

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☐ This communication is responsive to ____.
2. ☒ The allowed claim(s) is/are 1-25.
3. ☐ The drawings filed on ____ are accepted by the Examiner.
4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f):
- a) ☐ All b) ☐ Some* c) ☐ None of the:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: ____.


Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
6. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
- (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
- 1) ☐ hereto or 2) ☐ to Paper No./Mail Date ____.
- (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date ____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☒ Information Disclosure Statements (PTO-1449 or PTO/SB/08), Paper No./Mail Date 7/5/02
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☒ Interview Summary (PTO-413), Paper No./Mail Date 5/3/04
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other ____


Gregory R. Del Cotto
Primary Examiner
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Election/Restriction

This application contains claims directed to more than one species of the generic invention. These species are deemed to lack unity of invention because they are not so linked as to form a single general inventive concept under PCT Rule 13.1.

The species are as follows:

1. Embodiments wherein the organic catalyst is represented by Formula I.
2. Embodiments wherein the organic catalyst is represented by Formula III.

Applicant is required, in reply to this action, to elect a single species to which the claims shall be restricted if no generic claim is finally held to be allowable. The reply must also identify the claims readable on the elected species, including any claims subsequently added. An argument that a claim is allowable or that all claims are generic is considered non-responsive unless accompanied by an election.

Upon the allowance of a generic claim, applicant will be entitled to consideration of claims to additional species which are written in dependent form or otherwise include all the limitations of an allowed generic claim as provided by 37 CFR 1.141. If claims are added after the election, applicant must indicate which are readable upon the elected species. MPEP § 809.02(a).

The claims are deemed to correspond to the species listed above in the following manner:

1. Claims 1-25.
2. Claims 1-25.

The following claim(s) are generic: None.

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The species listed above do not relate to a single general inventive concept under PCT Rule 13.1 because, under PCT Rule 13.2, the species lack the same or corresponding special technical features for the following reasons: Pursuant to PCT Rule 13.2 and PCT Administrative Instructions, Annex B, Part 1(f)(I)(B)(2), the species are not art recognized equivalents.

During a telephone conversation with Jim McBride on April 30, 2004, a provisional election was made with traverse to prosecute the invention of Group I, catalysts having Formula I, claims 1-25. Affirmation of this election must be made by applicant in replying to this Office action. No claims are withdrawn from further consideration by the examiner, 37 CFR 1.142(b), as being drawn to a non-elected invention.

Applicant is reminded that upon the cancellation of claims to a non-elected invention, the inventorship must be amended in compliance with 37 CFR 1.48(b) if one or more of the currently named inventors is no longer an inventor of at least one claim remaining in the application. Any amendment of inventorship must be accompanied by a request under 37 CFR 1.48(b) and by the fee required under 37 CFR 1.17(i).

EXAMINER'S AMENDMENT

An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it **MUST** be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Jim McBride on April 30, 2004.

The application has been amended as follows:

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The Specification:

As the first sentence of the specification, insert --This application claims priority under 35 USC 119(e) to provisional application 60/151,110, filed August 27, 1999. --

The Claims:

In claim 1, line 4, after "cations" delete "and" and insert -- , --.

In claim 1, line 4, after "polyions" insert -- and mixtures thereof --.

In claim 1, line 5, delete "that are represented by" and insert -- said aryliminium cations and aryliminium polyions having --.

In claim 1, line 14, delete the text beginning with "..." and ending with "...thereof" in line 26.

In claim 10, line 3, after "cations" delete "and" and insert -- , --.

In claim 10, line 3, after "polyions" insert -- and mixtures thereof --.

In claim 10, line 4, delete "that are represented by" and insert -- said aryliminium cations and aryliminium polyions having --.

In claim 10, line 24, delete the text beginning with "..." and ending with "...thereof" in line 49.

In claim 11, line 4, delete "(2) oxaziridinium cations or polyions of the formula [XIII] wherein R¹⁸ is H or methyl, and R¹⁹ is H or substituted or branched C₁-C₁₈ alkyl or cycloalkyl;"

In claim 11, line 5, delete "(3)" and insert -- (2) --.

In claim 16, line 1, delete "The" and insert -- A --.

In claim 16, line 1, delete "of Claim 1".

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In claim 16, line 5, after "cations" delete "and" and insert -- , --.

In claim 16, line 5, after "polyions" insert -- and mixtures thereof --.

In claim 16, line 6, delete "that are represented by" and insert -- said aryliminium cations and aryliminium polyions having --.

In claim 16, line 16, delete the text beginning with "..." and ending with "... thereof" in line 28.

In claim 20, line 4, after "cations" delete "and" and insert -- , --.

In claim 20, line 4, after "polyions" insert -- and mixtures thereof --.

In claim 20, line 5, delete "that are represented by" and insert -- said aryliminium cations and aryliminium polyions having --.

In claim 20, line 15, delete the text beginning with "..." and ending with "... thereof." in line 27 and insert -- , --.

In claim 20, line 29, after "150:1" and insert --, and wherein said bleach system comprises from about 0.001 ppm to about 5 ppm of said cationic organic catalyst --.

In claim 25, line 4, after "cations" delete "and" and insert -- , --.

In claim 25, line 4, after "polyions" insert -- and mixtures thereof --.

In claim 25, line 5, delete "that are represented by" and insert -- said aryliminium cations and aryliminium polyions having --.

In claim 25, line 15, delete the text beginning with "..." and ending with "... thereof." in line 27 and insert -- , --.

In claim 25, line 29, after "150:1" and insert --, and wherein said bleach system comprises from about 0.001 ppm to about 5 ppm of said cationic organic catalyst --.

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The Abstract:

Insert the following Abstract on a separate sheet of paper as the last page of the specification:

Abstract of the Disclosure

The present invention relates to cationic organic catalyst compound bleach systems and methods for using such bleach systems to increase color safety during laundering fabrics, especially colored fabrics. More particularly, this invention relates to bleach systems comprising cationic, quaternary imine bleach boosting compounds, cationic, quaternary oxaziridinium bleaching species and mixtures thereof, and methods employing such bleach systems in the laundering of fabrics, especially colored fabrics.

REASONS FOR ALLOWANCE

The following is an examiner's statement of reasons for allowance:

The Examiner's Amendment is sufficient to place the instant claims in condition for allowance. Note that, Applicant agreed to cancel the nonelected species, catalysts of Formula III.

Of the references of record, the most pertinent is Miracle et al (US 5,576,282). Miracle et al teach bleach boosters comprising zwitterionic imines and anionic imine polyions having a net negative charge. The bleach boosters increase bleaching effectiveness in lower temperature solutions and demonstrate superior color safety profiles. The bleach boosters are ideally suited for inclusion into bleaching compositions including those with detergents, surfactants and enzymes. Also provided is a laundry additive product including zwitterionic imines and anionic imine polyions with a net negative charge as bleach boosters. See Abstract. However, Miracle et al do not teach a bleach system containing the specific amount and type of aryliminium cations and polyions as recited by the instant claims.

Accordingly, since the prior art fails to teach or suggest a bleaching composition and method of using such a composition as recited by the instant claims, the instant claims are deemed allowable.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably

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accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Gregory R. Del Cotto whose telephone number is (571) 272-1312. The examiner can normally be reached on Mon. thru Fri. from 8:30 AM to 6:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Yogendra Gupta can be reached on (571) 272-1316. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Gregory R. Del Cotto
Primary Examiner
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GRD
March 22, 2004